

United States District Court

NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

HOLLY WISER-CONNOLLY, INDEP. EXECUTIVE
OF ESTATE OF GLEN WISER & EVELYN WISER

SUBPOENA IN A CIVIL CASE

V.

OSMAN EFENDIC, INDIV. AND D/B/A
ELAINES EXPRESS, INC.

CASE NUMBER: 08 C 241

TO: KEEPER OF THE RECORDS
MEDICARE PART A
P.O. BOX 50454
INDIANAPOLIS IN 46250-0454

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

IMPORTANT

*THIS SUBPOENA WILL NOT NECESSITATE YOUR
PERSONAL APPEARANCE IF YOU SIGN THE ENCLOSED
STATEMENT AND SUBMIT ALL YOUR RECORDS BY
THE DUE DATE INDICATED ON THE SUBPOENA.
FOR INFORMATION CALL
312-726-6650

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce* and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):
ALL RECORDS, PHOTOGRAPHS, STATEMENTS, CORRESPONDENCE, LETTERS, PAPERS, DRAFTS, BOOKS, MEDICAL REPORTS, ACCIDENT REPORTS AND ANY AND ALL DOCUMENTS OF ANY KIND WHATSOEVER IN YOUR POSSESSION OR CONTROL CONTAINED IN YOUR FILE, N/A, PERTAINING TO ANY CLAIMS BY GLEN WISER (DOB 02/14/30, SSN N/A) AS A RESULT OF AN ACCIDENT ON 03/07/07 OR ANY OTHER DATE.
PLEASE CALL (312)726-6650 BEFORE SUBMITTING ANY AND ALL PHOTOGRAPHS.

PLACE 30 N. LA SALLE SUITE 1800
CHICAGO, IL

DATE AND TIME 10:00 A.M.
TUESDAY, JULY 22, 2008

☐ YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PLACE

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition one or more officers, directors, or managing agents, or other persons who consent to testify may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

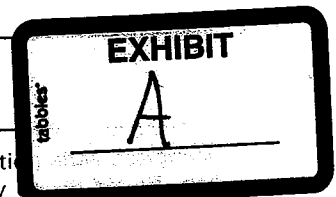
DATE

7/08/08

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER 312-726-6650

ATTORNEY(S) FOR DEFENDANT

JOHNSON & BELL, LTD.



United States District Court

NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

HOLLY WISER-CONNOLLY, INDEP. EXECUTOR OF
EST. OF GLEN R. WISER (ELEANOR WISER) ET AL

SUBPOENA IN A CIVIL CASE

V.

OSMAN EFENDIC

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BOOKS, MEDICAL REPORTS, ACCIDENT REPORTS AND ANY AND ALL DOCUMENTS OF ANY KIND
WHATSOEVER IN YOUR POSSESSION OR CONTROL CONTAINED IN YOUR FILE, N/A,
PERTAINING TO ANY CLAIMS BY ELEANOR M. WISER (DOB 01/26/34, SSN 335-26-4787)
AS A RESULT OF AN ACCIDENT ON N/A OR ANY OTHER DATE.

PLACE 30 N. LA SALLE SUITE 1800
CHICAGO, IL

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TUESDAY, JULY 22, 2008

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DATE AND TIME

EXHIBIT

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DATE

7/08/08

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

312-726-6650

ATTORNEY(S) FOR DEFENDANT

JOHNSON & BELL, LTD.

United States District Court

NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

HOLLY WISER-CONNOLLY, INDEP. EXECUTIVE
OF ESTATE OF GLEN WISER & EVELYN WISER

SUBPOENA IN A CIVIL CASE

V.

OSMAN EFENDIC, INDIV. AND D/B/A
ELAINES EXPRESS, INC.

CASE NUMBER: 08 C 241

TO: KEEPER OF THE RECORDS
MEDICARE PART B C/O WISCONSIN PHYSICIAN SERVICES
P.O. BOX 4433
MARION IL 62959

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

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		DATE AND TIME

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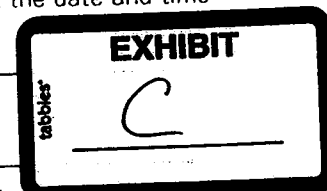
PLACE OF DEPOSITION	DATE AND TIME
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ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER 312-726-6650 JOHNSON & BELL, LTD.	7/08/08
ATTORNEY(S) FOR DEFENDANT	

United States District Court

NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

HOLLY WISER-CONNOLLY, INDEP. EXECUTOR OF
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SUBPOENA IN A CIVIL CASE

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ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

7/08/08

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER 312-726-6650

ATTORNEY(S) FOR DEFENDANT

JOHNSON & BELL, LTD.

July 11, 2008

Record Copy Services
Thirty North La Salle
Chicago, IL 60602

RE: Glen Wiser, RCS# 07078249

Dear Record Copy Service:

This is in response to your Freedom of Information Act Request received on July 10, 2008. The information you are requesting may be releasable under the Freedom of Information Act (FOIA). However, I can not fill your request without a signature. In order for your request to be processed, **you will need to resubmit your FOIA request with a legible, complete signature (i.e., printed and signed first and last name) of a member of the organization requesting the information.**

In accordance with the Freedom of Information Act we are authorized to charge search and copying fees. Requests exceeding \$25 are billed via invoice. The invoice will be enclosed with the documents and payable to the Centers for Medicare and Medicaid Services (CMS). Do not send advance payment unless requested by the Freedom of Information Unit. Requests processed by the carrier **may** involve the following costs:

- \$21 - \$77 per hour search time (in increments of one quarter of an hour)
- \$.10 cents per page copying fee
- Computer search/computer printouts are charged at actual cost

In compliance with the Health Insurance Portability and Accountability Act (HIPAA) regulations, all FOIA requests are required to include the enclosed authorization form. Please complete the form and return it to the address or fax number below. **If someone is signing as a representative, be sure to include any necessary documents showing this authorization (i.e., Will, Probate, Letter of Authority, Power of Attorney, etc.).** A copy of a death certificate is not considered valid authorization.

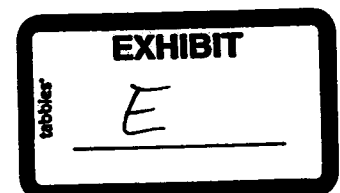
My estimate of fees for the case of Glen Wiser, RCS# 07078249 is \$25. Do **not** send payment with your request. It usually takes at least 14-20 working days to provide records. Therefore, I will be unable to meet your due date of July 22, 2008.

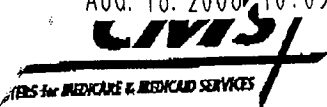
If you have any questions, please contact me at (618) 998-5233 or by fax at (618) 998-5287.

Respectfully,

Dianna Hall

Dianna Hall
Freedom of Information
Medicare B - 8095200312



**Medicare**

August 4, 2008

Record Copy Services
Thirty North La Salle
Chicago, IL 60602

Attention: Joe Bergamo - Customer Service
RE: Glen Wiser -RCS File #07078249

Dear Mr. Bergamo:

This is in response to your Freedom of Information Act Request received on August 1, 2008. The information you are requesting may be releasable under the Freedom of Information Act (FOIA). However, I can not complete your request without a signed authorization form. In order for your request to be processed, you will need to return your FOIA request with the enclosed authorization form.

We received the authorization form, which is in compliance with the Health Insurance Portability and Accountability Act (HIPAA) regulations. ~~Since the form was signed by Holly Wiser-Connolly as a representative, we will need the necessary documents that show valid authorization: (Will, letters of Office-Decedent's Estate, probate, certified death certificate, etc.).~~ A copy of a death certificate is not considered valid authorization.

In accordance with the Freedom of Information Act we are authorized to charge search and copying fees. Requests exceeding \$25 are billed via invoice. The invoice will be enclosed with the documents and payable to the Centers for Medicare and Medicaid Services (CMS). Requests processed by the carrier may involve the following costs:

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- Computer search/computer printouts are charged at actual cost

In order to process your requests more expediently, we ask that each request be in writing, including the authorization form, signed, dated and specific in nature to the content being requested. Please submit your FOIA requests to the address below.

W P S Medicare Part B
Freedom of Information Unit
P.O. Box 4433
Marion, IL 62959
Fax (618) 998-5287



Wisconsin Physicians Service Insurance Corporation serving as a CMS contractor
P.O. Box 1787 • Madison, WI 53701 • Phone 608-221-4711





Medicare

August 4, 2008

Record Copy Services
Thirty North La Salle
Chicago, IL 60602

Attention: Joe Bergamo - Customer Service
RE: Eleanor Wiser -RCS File #07088020

Dear Mr. Bergamo:

This is in response to your Freedom of Information Act Request received on August 1, 2008. The information you are requesting may be releasable under the Freedom of Information Act (FOIA). However, I can not complete your request without a signed authorization form. In order for your request to be processed, you will need to return your FOIA request with the enclosed authorization form.

We received the authorization form, which is in compliance with the Health Insurance Portability and Accountability Act (HIPAA) regulations. Since the form was signed by Holly Wiser, ~~Connelly as a representative, we will need the necessary documents that show valid authorization.~~ (Will, letters of Office-Decedent's Estate, probate, certified death certificate, etc.). A copy of a death certificate is not considered valid authorization.

In accordance with the Freedom of Information Act we are authorized to charge search and copying fees. Requests exceeding \$25 are billed via invoice. The invoice will be enclosed with the documents and payable to the Centers for Medicare and Medicaid Services (CMS). Requests processed by the carrier may involve the following costs:

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Freedom of Information Unit
P.O. Box 4433
Marion, IL 62959
Fax (618) 998-5287



Wisconsin Physicians Service Insurance Corporation serving as a CMS contractor
P.O. Box 1787 • Madison, WI 53701 • Phone 608-221-4711

EXHIBIT

G



RECORD COPY SERVICES
THIRTY NORTH LA SALLE CHICAGO IL 60602-2592 312.726.6650

**RUSH FAX TRANSMITTAL
REPLY REQUESTED**

AUGUST 15, 2008

312-726-6650 FAX 312-726-1202

798 LISA/ MR. MICHAEL J. LINNEMAN
JOHNSON & BELL, LTD.
33 W. MONROE ST. S-2500
CHICAGO, IL 60603-5404

FILE : 07773-07001
CLAIM : 07TA1020
COURT : 08 C 241

RE:
HOLLY WISER-CONNOLLY, INDEP. EXECUTOR OF EST. OF GLEN R. WISER (ELEANOR WISER) ET AL
VS. OSMAN EFENDIC

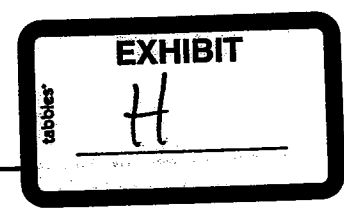
DEPONENT/S:
MEDICARE PART B C/O WISCONSIN PHYSICIAN SERVICES, MARION, IL

PLEASE NOTE:
NUMBER OF PAGES: 3.

FAXED TO: 312 372 9818. PURSUANT TO OUR PREVIOUS CONVERSATION, HERE IS A COPY
OF THE LETTER YOU HAVE REQUESTED. PLEASE SUBMIT SAID INFORMATION AS SOON AS
POSSIBLE. IF WE MAY BE OF FURTHER SERVICE, PLEASE ADVISE.

THANK YOU
STEPHANIE LOGAN
CUSTOMER SERVICE DEPT./SNL/F01
RCS FILE # 07088020 - 16653

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL
OR ENTITY NAMED ABOVE AND THOSE PROPERLY ENTITLED TO ACCESS TO THE INFORMATION. IF THE READER OF
THIS TRANSMISSION IS NOT THE INTENDED OR AN AUTHORIZED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY
UNAUTHORIZED DISTRIBUTION, DISSEMINATION, OR COPY OF THIS TRANSMISSION IS PROHIBITED. IF YOU HAVE
RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE (312-726-6650) OR
FACSIMILE (312-726-1202).





RECORD COPY SERVICES
THIRTY NORTH LA SALLE CHICAGO IL 60602-2592 312.726.6650

07078249 - 16653

RUSH FAX TRANSMITTAL
REPLY REQUESTED

AUGUST 15, 2008

312-726-6650 FAX 312-726-1202

798 LISA/ MR. ROBERT M. BURKE
JOHNSON & BELL, LTD.
33 W. MONROE ST. S-2500
CHICAGO, IL 60603-5404

FILE : 7773-6003
CLAIM : 07TA1020
COURT : 08 C 241

RE:
HOLLY WISER-CONNOLLY, INDEP. EXECUTIVE OF ESTATE OF GLEN WISER & EVELYN WISER
VS. OSMAN EFENDIC, INDIV. AND D/B/A ELAINES EXPRESS, INC.

DEPONENT/S:
MEDICARE PART B C/O WISCONSIN PHYSICIAN SERVICES, MARION, IL

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THANK YOU
STEPHANIE LOGAN
CUSTOMER SERVICE DEPT./SNL/F01
RCS FILE # 07078249 - 16653

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EXHIBIT

I

tabbies

*** MULTI TX/RX REPORT ***

TX/RX NO 1036
PGS. 10
TX/RX INCOMPLETE (2) 16189985287
TRANSACTION OK
(1) 7261202
ERROR INFORMATION

JOHNSON & BELL Ltd.
Attorneys at Law

Suite 2700 • 33 West Monroe Street
Chicago, IL 60603-5404
312-372-0770 (Phone) • 312-372-9818 (Facsimile)

fax cover

Date August 29, 2008

To Stephanie Logan Firm Name RCS

Facsimile 312-726-1202 Phone _____
WPS Medicare Part B, FOI Unit

CC 618-998-5287

☐ Urgent ☐ Per Request ☐ Please Comment ☐ Please Reply ☐ Please Recycle

From Michael J. Linneman Phone 312-849-2456

Regarding Wiser-Connolly vs. Efendic, et al.

Our File No. 07773-07001

Total Number of Pages 10 (including this page)

Time of Transmittal 10:55 a.m. (am/pm)



Ms. Logan: Please see the attached letter and materials I attempted to fax to you last week but which apparently did not go through. Please follow up with CMS as soon as possible to obtain the requested records. Thank you, and have a nice weekend.

-Mike

JOHNSON & BELL Ltd.
Attorneys at Law

SUITE 2700
33 WEST MONROE STREET
CHICAGO, IL 60603-5404
TELEPHONE: (312) 372-0770
FACSIMILE: (312) 372-9818

1435 EAST 85TH AVENUE
MERRILLVILLE, IN 46410
TELEPHONE: (219) 791-1900
FACSIMILE: (219) 791-1901

WWW.JOHNSONANDBELL.COM
WRITER'S DIRECT DIAL NUMBER

August 21, 2008

Via Fax Only: (312) 726-1202

Record Copy Services
Attn: Stephanie Logan
30 N. LaSalle St.
Chicago, IL 60602

Direct: (312) 849-2456
linnemanm@jbltd.com

RE: Wisner-Connolly v. Efendic
Date of Loss: March 7, 2007
Court No.: 08 C 241
Our File No.: 7773-7001
RCS File No.: 07088020 - 16653

Dear Ms. Logan:

In response to your correspondence of August 15, 2008, and the accompanying correspondence from the Centers for Medicare & Medicaid Services (CMS) dated August 4, 2008 (copies enclosed for your reference), I am herewith providing copies of the Letters of Office appointing Holly Wisner-Connolly the Independent Executor of the Estates of Glen and Eleanor Wisner. Note that the Letters of Office also pertain to RCS File No. 07088020 - 40615.

Please forward these materials to CMS as soon as possible and follow up with them to obtain the requested records. Thank you for your attention to this matter. If you have any questions or require any additional information from me, do not hesitate to contact me directly.

Very truly yours,

JOHNSON & BELL, LTD.



Michael J. Linneman

Enclosures

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HOLLY WISER-CONNOLLY, as
Independent Executor of the Estate of
GLEN R. WISER, Deceased; and
HOLLY WISER-CONNOLLY, as
Independent Executor of the Estate of
ELEANOR M. WISER, Deceased,

Plaintiffs,

-vs-

**OSMAN EFENDIC and 2038463
ONTARIO, INC., d/b/a ELAINES
EXPRESS**,

Defendants.

Case No. 08 C 241

**OSMAN EFENDIC and 2038463
ONTARIO, INC., d/b/a ELAINES
EXPRESS**,

Judge: Ronald A. Guzman

Magistrate: Geraldine Soat Brown

Counter-Plaintiffs,

-vs-

HOLLY WISER-CONNOLLY, as
Independent Executive of the Estate of
GLEN R. WISER, Deceased,

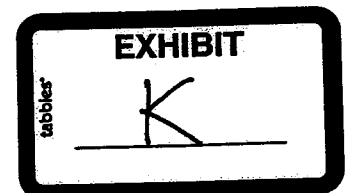
Counter-Defendant.

AFFIDAVIT

NOW COMES the Affiant, **MICHAEL J. LINNEMAN**, who states that if called to testify herein, he could competently testify to the following:

1. I am an attorney representing the Defendants/Counter-Plaintiffs, Osman Efendic and 2038463 Ontario, Inc., d/b/a Elaines Express, in this lawsuit.

2. On July 7, 2008, my law firm, through Record Copy Services, issued two subpoenas from the United States District Court, Northern District of Illinois, to Medicare Part A and another two subpoenas to Medicare Part B for their records pertaining to any claims made by the decedents of Plaintiff herein, Glen Wiser and Eleanor Wiser. See "Exhibit A."



3. On July 25 and 29 and August 15 and 22, 2008, I or another attorney at my law firm received service reports and other correspondence from Record Copy Services informing us that Medicare Part A and Medicare Part B were either attempting to locate the requested documents or required additional authorizations in order to comply with the subpoenas. See "Exhibit B."

4. I have provided the "WPS Authorization(s) To Permit Use and Disclosure of Health Information" and Letters of Office Medicare Part B said it needed in order to comply with its subpoenas to Medicare Part B through Record Copy Services. See "Exhibit C."

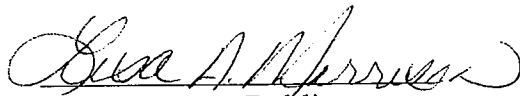
5. Personnel from Record Copy Services informed me on August 29, 2008, that they have been in frequent contact with Medicare Part A and Medicare Part B in order to secure said parties' compliance with the subpoenas.

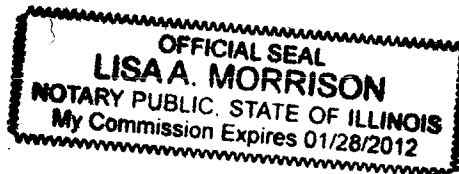
6. As of the date of the filing of this motion, Medicare Part A and Medicare Part B have not produced the requested records.

7. Further affiant sayeth not.


Michael J. Linneman

Subscribed and Sworn to
before me this 29th day of
August, 2008.


Notary Public



United States District Court

NORTHERN DISTRICT OF

ILLINOIS

EASTERN DIVISION

HOLLY WISER-CONNOLLY, INDEP. EXECUTIVE
OF ESTATE OF GLEN WISER & EVELYN WISER

V.

OSMAN EFENDIC, INDIV. AND D/B/A
ELAINES EXPRESS, INC.

SUBPOENA IN A CIVIL CASE

CASE NUMBER: 08 C 241

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PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce* and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):
ALL RECORDS, PHOTOGRAPHS, STATEMENTS, CORRESPONDENCE, LETTERS, PAPERS, DRAFTS,
BOOKS, MEDICAL REPORTS, ACCIDENT REPORTS AND ANY AND ALL DOCUMENTS OF ANY KIND
WHATSOEVER IN YOUR POSSESSION OR CONTROL CONTAINED IN YOUR FILE, N/A,
PERTAINING TO ANY CLAIMS BY GLEN WISER (DOB 02/14/30, SSN N/A) AS A RESULT OF
AN ACCIDENT ON 03/07/07 OR ANY OTHER DATE.
PLEASE CALL (312) 726-6650 BEFORE SUBMITTING ANY AND ALL PHOTOGRAPHS.

PLACE 30 N. LA SALLE SUITE 1800
CHICAGO, ILDATE AND TIME 10:00 A.M.
TUESDAY, JULY 22, 2008☐ YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PLACE

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition one or more officers, directors, or managing agents, or other persons who consent to testify may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

7/08/08

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

312-726-6650

ATTORNEY(S) FOR DEFENDANT

JOHNSON & BELL, LTD.

(See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)



United States District Court

NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

HOLLY WISER-CONNOLLY, INDEP. EXECUTOR OF
EST. OF GLEN R. WISER (ELEANOR WISER) ET AL
V.

SUBPOENA IN A CIVIL CASE

OSMAN EFENDIC

CASE NUMBER: 08 C 241

TO: KEEPER OF THE RECORDS
MEDICARE PART A
P.O. BOX 50454
INDIANAPOLIS IN 46250-0454

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

IMPORTANT

*THIS SUBPOENA WILL NOT NECESSITATE YOUR PERSONAL APPEARANCE IF YOU SIGN THE ENCLOSED STATEMENT AND SUBMIT ALL YOUR RECORDS BY THE DUE DATE INDICATED ON THE SUBPOENA. FOR INFORMATION CALL 312-726-6650

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce* and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):
ALL RECORDS, PHOTOGRAPHS, STATEMENTS, CORRESPONDENCE, LETTERS, PAPERS, DRAFTS, BOOKS, MEDICAL REPORTS, ACCIDENT REPORTS AND ANY AND ALL DOCUMENTS OF ANY KIND WHATSOEVER IN YOUR POSSESSION OR CONTROL CONTAINED IN YOUR FILE, N/A, PERTAINING TO ANY CLAIMS BY ELEANOR M. WISER (DOB 01/26/34, SSN 335-26-4787) AS A RESULT OF AN ACCIDENT ON N/A OR ANY OTHER DATE.

PLACE 30 N. LA SALLE SUITE 1800
CHICAGO, IL

DATE AND TIME 10:00 A.M.
TUESDAY, JULY 22, 2008

☐ YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PLACE

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition must designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

7/08/08

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER 312-726-6650

ATTORNEY(S) FOR DEFENDANT

JOHNSON & BELL, LTD.

United States District Court

NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

HOLLY WISER-CONNOLLY, INDEP. EXECUTIVE
OF ESTATE OF GLEN WISER & EVELYN WISER

SUBPOENA IN A CIVIL CASE

V.

OSMAN EFENDIC, INDIV. AND D/B/A
ELAINES EXPRESS, INC.

CASE NUMBER: 08 C 241

TO: KEEPER OF THE RECORDS
MEDICARE PART B C/O WISCONSIN PHYSICIAN SERVICES
P.O. BOX 4433
MARION IL 62959☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

IMPORTANT*THIS SUBPOENA WILL NOT NECESSITATE YOUR
PERSONAL APPEARANCE IF YOU SIGN THE ENCLOSED
STATEMENT AND SUBMIT ALL YOUR RECORDS BY
THE DUE DATE INDICATED ON THE SUBPOENA.
FOR INFORMATION CALL
312-726-6650

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce* and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):
ALL RECORDS, PHOTOGRAPHS, STATEMENTS, CORRESPONDENCE, LETTERS, PAPERS, DRAFTS,
BOOKS, MEDICAL REPORTS, ACCIDENT REPORTS AND ANY AND ALL DOCUMENTS OF ANY KIND
WHATSOEVER IN YOUR POSSESSION OR CONTROL CONTAINED IN YOUR FILE, N/A,
PERTAINING TO ANY CLAIMS BY GLEN WISER (DOB 02/14/30, SSN N/A) AS A RESULT OF
AN ACCIDENT ON 03/07/07 OR ANY OTHER DATE.
PLEASE CALL (312)726-6650 BEFORE SUBMITTING ANY AND ALL PHOTOGRAPHS.PLACE 30 N. LA SALLE SUITE 1800
CHICAGO, ILDATE AND TIME 10:00 A.M.
TUESDAY, JULY 22, 2008☐ YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PLACE

DATE AND TIME

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ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

7/08/08

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

312-726-6650

ATTORNEY(S) FOR DEFENDANT

JOHNSON & BELL, LTD.

United States District Court

NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

HOLLY WISER-CONNOLLY, INDEP. EXECUTOR OF
EST. OF GLEN R. WISER (ELEANOR WISER) ET AL

SUBPOENA IN A CIVIL CASE

V.

OSMAN EFENDIC

CASE NUMBER: 08 C 241

TO: KEEPER OF THE RECORDS
MEDICARE PART B C/O WISCONSIN PHYSICIAN SERVICES
P.O. BOX 4433
MARION IL 62959

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

IMPORTANT

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THE DUE DATE INDICATED ON THE SUBPOENA.
FOR INFORMATION CALL
312-726-6650

COURTROOM

DATE AND TIME

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BOOKS, MEDICAL REPORTS, ACCIDENT REPORTS AND ANY AND ALL DOCUMENTS OF ANY KIND
WHATSOEVER IN YOUR POSSESSION OR CONTROL CONTAINED IN YOUR FILE, N/A,
PERTAINING TO ANY CLAIMS BY ELEANOR M. WISER (DOB 01/26/34, SSN 335-26-4787)
AS A RESULT OF AN ACCIDENT ON N/A OR ANY OTHER DATE.

PLACE 30 N. LA SALLE SUITE 1800
CHICAGO, IL

DATE AND TIME 10:00 A.M.
TUESDAY, JULY 22, 2008

☐ YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PLACE

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition must designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

7/08/08

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

312-726-6650

ATTORNEY(S) FOR DEFENDANT

JOHNSON & BELL, LTD.



RECORD COPY SERVICES

THIRTY NORTH LA SALLE CHICAGO IL 60602-2592 312.726.6650

07088020 - 40615

SERVICE REPORT

JULY 25, 2008

MR. MICHAEL J. LINNEMAN
798 JOHNSON & BELL, LTD.
33 W. MONROE ST. S-2500
CHICAGO, IL 60603-5404

FILE : 07773-07001
CLAIM : 07TA1020
COURT : 08 C 241

RE:

HOLLY WISER-CONNOLLY, INDEP. EXECUTOR OF EST. OF GLEN R. WISER (ELEANOR WISER) ET AL
VS. OSMAN EFENDIC

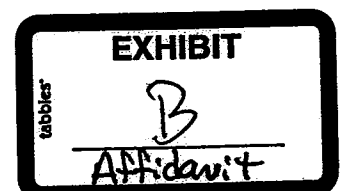
DEPONENT/S:

MEDICARE PART A, INDIANAPOLIS, IN

PLEASE NOTE:

IN REGARDS TO YOUR RECORD COPY REQUEST IN THE ABOVE REFERENCED MATTER,
WE HAVE CONTACTED THE DEPONENT AND THEY ARE TRYING TO LOCATE RECORDS. WILL KEEP
YOU ADVISED.

THANK YOU
STEPHANIE LOGAN
CUSTOMER SERVICE DEPT./SNL/S04
RCS FILE # 07088020 - 40615





RECORD COPY SERVICES

THIRTY NORTH LA SALLE CHICAGO IL 60602-2592 312.726.6650

07078249 - 40615

SERVICE REPORT

JULY 25, 2008

798 MR. ROBERT M. BURKE
JOHNSON & BELL, LTD.
33 W. MONROE ST. S-2500
CHICAGO, IL 60603-5404

FILE : 7773-6003
CLAIM : 07TA1020
COURT : 08 C 241

RE:

HOLLY WISER-CONNOLLY, INDEP. EXECUTIVE OF ESTATE OF GLEN WISER & EVELYN WISER
VS. OSMAN EFENDIC, INDIV. AND D/B/A ELAINES EXPRESS, INC.

DEPONENT/S:

MEDICARE PART A, INDIANAPOLIS, IN

PLEASE NOTE:

IN REGARDS TO YOUR RECORD COPY REQUEST IN THE ABOVE REFERENCED MATTER,
WE HAVE CONTACTED THE DEPONENT AND THEY ARE TRYING TO LOCATE RECORDS. WILL KEEP
YOU ADVISED.

THANK YOU
STEPHANIE LOGAN
CUSTOMER SERVICE DEPT./SNL/S04
RCS FILE # 07078249 - 40615



RECORD COPY SERVICES

THIRTY NORTH LA SALLE CHICAGO IL 60602-2592 312.726.6650

07088020 - 16653

SERVICE REPORT

JULY 29, 2008

798 MR. MICHAEL J. LINNEMAN
JOHNSON & BELL, LTD.
33 W. MONROE ST. S-2500
CHICAGO, IL 60603-5404

FILE : 07773-07001
CLAIM : 07TA1020
COURT : 08 C 241

RE:

HOLLY WISER-CONNOLLY, INDEP. EXECUTOR OF EST. OF GLEN R. WISER (ELEANOR WISER) ET AL
VS. OSMAN EFENDIC

DEPONENT/S:

MEDICARE PART B C/O WISCONSIN PHYSICIAN SERVICES, MARION, IL

PLEASE NOTE:

IN REGARDS TO YOUR RECORD COPY REQUEST IN THE ABOVE REFERENCED MATTER,
WE HAVE FORWARDED THE REQUIRED AUTHORIZATION TO THE DEPONENT AND ARE AWAITING
THE REQUESTED RECORDS. WILL KEEP YOU ADVISED.

THANK YOU
JOE BERGAMO
CUSTOMER SERVICE DEPT./JB /S21
RCS FILE # 07088020 - 16653



RECORD COPY SERVICES
THIRTY NORTH LA SALLE CHICAGO IL 60602-2592 312.726.6650

07088020 - 16653

**RUSH FAX TRANSMITTAL
REPLY REQUESTED**

AUGUST 15, 2008

312-726-6650 FAX 312-726-1202

LISA/ MR. MICHAEL J. LINNEMAN
798 JOHNSON & BELL, LTD.
33 W. MONROE ST. S-2500
CHICAGO, IL 60603-5404

FILE : 07773-07001
CLAIM : 07TA1020
COURT : 08 C 241

RE:
HOLLY WISER-CONNOLLY, INDEP. EXECUTOR OF EST. OF GLEN R. WISER (ELEANOR WISER) ET AL
VS. OSMAN EFENDIC

DEPONENT/S:
MEDICARE PART B C/O WISCONSIN PHYSICIAN SERVICES, MARION, IL

PLEASE NOTE:
NUMBER OF PAGES: 3.

FAXED TO: 312 372 9818. PURSUANT TO OUR PREVIOUS CONVERSATION, HERE IS A COPY
OF THE LETTER YOU HAVE REQUESTED. PLEASE SUBMIT SAID INFORMATION AS SOON AS
POSSIBLE. IF WE MAY BE OF FURTHER SERVICE, PLEASE ADVISE.

THANK YOU
STEPHANIE LOGAN
CUSTOMER SERVICE DEPT./SNL/F01
RCS FILE # 07088020 - 16653

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL
OR ENTITY NAMED ABOVE AND THOSE PROPERLY ENTITLED TO ACCESS TO THE INFORMATION. IF THE READER OF
THIS TRANSMISSION IS NOT THE INTENDED OR AN AUTHORIZED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY
UNAUTHORIZED DISTRIBUTION, DISSEMINATION, OR COPY OF THIS TRANSMISSION IS PROHIBITED. IF YOU HAVE
RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE (312-726-6650) OR
FACSIMILE (312-726-1202).



RECORD COPY SERVICES

THIRTY NORTH LA SALLE CHICAGO IL 60602-2592 312.726.6650

07078249 - 16653

RUSH FAX TRANSMITTAL REPLY REQUESTED

AUGUST 15, 2008

312-726-6650 FAX 312-726-1202

LISA/ MR. ROBERT M. BURKE
798 JOHNSON & BELL, LTD.
33 W. MONROE ST. S-2500
CHICAGO, IL 60603-5404

FILE : 7773-6003
CLAIM : 07TA1020
COURT : 08 C 241

RE:
HOLLY WISER-CONNOLLY, INDEP. EXECUTIVE OF ESTATE OF GLEN WISER & EVELYN WISER
VS. OSMAN EFENDIC, INDIV. AND D/B/A ELAINES EXPRESS, INC.

DEPONENT/S:
MEDICARE PART B C/O WISCONSIN PHYSICIAN SERVICES, MARION, IL

PLEASE NOTE:
NUMBER OF PAGES: 3.

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THANK YOU
STEPHANIE LOGAN
CUSTOMER SERVICE DEPT./SNL/F01
RCS FILE # 07078249 - 16653

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FACSIMILE (312-726-1202).



RECORD COPY SERVICES

THIRTY NORTH LA SALLE CHICAGO IL 60602-2592 312.726.6650

07078249 - 40615

SERVICE REPORT

AUGUST 22, 2008

798 MR. ROBERT M. BURKE
JOHNSON & BELL, LTD.
33 W. MONROE ST. S-2500
CHICAGO, IL 60603-5404

FILE : 7773-6003
CLAIM : 07TA1020
COURT : 08 C 241

RE:

HOLLY WISER-CONNOLLY, INDEP. EXECUTIVE OF ESTATE OF GLEN WISER & EVELYN WISER
VS. OSMAN EFENDIC, INDIV. AND D/B/A ELAINES EXPRESS, INC.

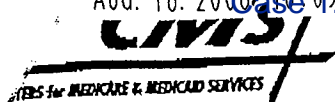
DEPONENT/S:

MEDICARE PART A, INDIANAPOLIS, IN

PLEASE NOTE:

IN REGARDS TO YOUR RECORD COPY REQUEST IN THE ABOVE REFERENCED MATTER,
THE DEPONENT IS STILL TRYING TO LOCATE RECORDS AND WILL SUBMIT SAME AS SOON AS
POSSIBLE.

THANK YOU
STEPHANIE LOGAN
CUSTOMER SERVICE DEPT./SNL/S05
RCS FILE # 07078249 - 40615

**Medicare**

August 4, 2008

Record Copy Services
Thirty North La Salle
Chicago, IL 60602

Attention: Joe Bergamo - Customer Service
RE: Glen Wiser -RCS File #07078249

Dear Mr. Bergamo:

This is in response to your Freedom of Information Act Request received on August 1, 2008. The information you are requesting may be releasable under the Freedom of Information Act (FOIA). However, I can not complete your request without a signed authorization form. In order for your request to be processed, you will need to return your FOIA request with the enclosed authorization form.

We received the authorization form, which is in compliance with the Health Insurance Portability and Accountability Act (HIPAA) regulations. ~~Since the form was signed by Holly Wiser, Commonly as a representative, we will need the necessary documents that show valid authorization.~~ (Will, letters of Office-Decedent's Estate, probate, certified death certificate, etc.). A copy of a death certificate is not considered valid authorization.

In accordance with the Freedom of Information Act we are authorized to charge search and copying fees. Requests exceeding \$25 are billed via invoice. The invoice will be enclosed with the documents and payable to the Centers for Medicare and Medicaid Services (CMS). Requests processed by the carrier may involve the following costs:

- \$21 - \$77 per hour search time (in increments of one quarter of an hour)
- \$.10 cents per page copying fee
- Computer search/computer printouts are charged at actual cost

In order to process your requests more expediently, we ask that each request be in writing, including the authorization form, signed, dated and specific in nature to the content being requested. Please submit your FOIA requests to the address below.

W P S Medicare Part B
Freedom of Information Unit
P.O. Box 4433
Marion, IL 62959
Fax (618) 998-5287



Wisconsin Physicians Service Insurance Corporation serving as a CMS contractor
P.O. Box 1787 • Madison, WI 53701 • Phone 608-221-4711





August 4, 2008

Record Copy Services
Thirty North La Salle
Chicago, IL 60602

Attention: Joe Bergamo - Customer Service
RE: Eleanor Wiser -RCS File #07088020

Dear Mr. Bergamo:

This is in response to your Freedom of Information Act Request received on August 1, 2008. The information you are requesting may be releasable under the Freedom of Information Act (FOIA). However, I can not complete your request without a signed authorization form. In order for your request to be processed, you will need to return your FOIA request with the enclosed authorization form.

We received the authorization form, which is in compliance with the Health Insurance Portability and Accountability Act (HIPAA) regulations. ~~Since the form was signed by Holly Wiser, Connolly as a representative, we will need the necessary documents that show valid authorization. (Will, letters of Office-Decedent's Estate, probate, certified death certificate, etc.).~~ A copy of a death certificate is not considered valid authorization.

In accordance with the Freedom of Information Act we are authorized to charge search and copying fees. Requests exceeding \$25 are billed via invoice. The invoice will be enclosed with the documents and payable to the Centers for Medicare and Medicaid Services (CMS). Requests processed by the carrier may involve the following costs:

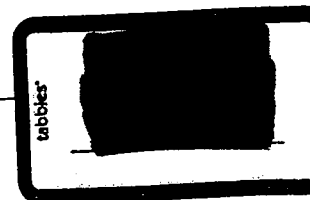
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- \$.10 cents per page copying fee
- Computer search/computer printouts are charged at actual cost

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W P S Medicare Part B
Freedom of Information Unit
P.O. Box 4433
Marion, IL 62959
Fax (618) 998-5287



Wisconsin Physicians Service Insurance Corporation serving as a CMS contractor
P.O. Box 1787 • Madison, WI 53701 • Phone 608-221-4711



*** MULTI TX/RX REPORT ***

TX/RX NO 1036
PGS. 10
TX/RX INCOMPLETE
(2) 16189985287
TRANSACTION OK
(1) 7261202
ERROR INFORMATION

JOHNSON & BELL Ltd.
Attorneys at Law

Suite 2700 • 33 West Monroe Street
Chicago, IL 60603-5404
312-372-0770 (Phone) • 312-372-9818 (Facsimile)

fax cover

Date August 29, 2008

To Stephanie Logan Firm Name RCS

Facsimile 312-726-1202 Phone _____

CC WPS Medicare Part B, FOI Unit
618-998-5287

☐ Urgent ☐ Per Request ☐ Please Comment ☐ Please Reply ☐ Please Recycle

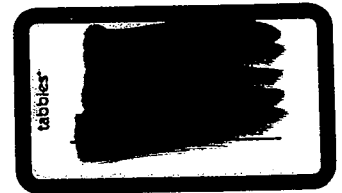
From Michael J. Linneman Phone 312-849-2456

Regarding Wiser-Connolly vs. Efendic, et al.

Our File No. 07773-07001

Total Number of Pages 10 (including this page)

Time of Transmittal 10:55 a.m. (am/pm)



Ms. Logan: Please see the attached letter and materials I attempted to fax to you last week but which apparently did not go through. Please follow up with CMS as soon as possible to obtain the requested records. Thank you, and have a nice weekend.

-Mike

SUITE 2700
33 WEST MONROE STREET
CHICAGO, IL 60603-5404
TELEPHONE (312) 372-0770
FACSIMILE (312) 372-9818

1435 EAST 85TH AVENUE
MERRILLVILLE, IN 46410
TELEPHONE (219) 791-1900
FACSIMILE (219) 791-1901

WWW.JOHNSONANDBELL.COM
WRITER'S DIRECT DIAL NUMBER

August 21, 2008

Via Fax Only: (312) 726-1202

Record Copy Services
Attn: Stephanie Logan
30 N. LaSalle St.
Chicago, IL 60602

Direct: (312) 849-2456
linnemanm@jbltd.com

RE: Wiser-Connolly v. Efendic
Date of Loss: March 7, 2007
Court No.: 08 C 241
Our File No.: 7773-7001
RCS File No.: 07088020 - 16653

Dear Ms. Logan:

In response to your correspondence of August 15, 2008, and the accompanying correspondence from the Centers for Medicare & Medicaid Services (CMS) dated August 4, 2008 (copies enclosed for your reference), I am herewith providing copies of the Letters of Office appointing Holly Wiser-Connolly the Independent Executor of the Estates of Glen and Eleanor Wiser. Note that the Letters of Office also pertain to RCS File No. 07088020 - 40615.

Please forward these materials to CMS as soon as possible and follow up with them to obtain the requested records. Thank you for your attention to this matter. If you have any questions or require any additional information from me, do not hesitate to contact me directly.

Very truly yours,

JOHNSON & BELL, LTD.



Michael J. Linneman

Enclosures